

AMENDED IN ASSEMBLY SEPTEMBER 7, 1999

AMENDED IN ASSEMBLY SEPTEMBER 3, 1999

**SENATE BILL**

**No. 259**

**Introduced by Senator Wright**

(Coauthors: Assembly Members Aroner, Davis, Kuehl,  
Migden, Romero, Steinberg, and Villaraigosa)

January 28, 1999

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An act to amend Section 11323.2 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 259, as amended, C. Wright. CalWORKs: child care.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which cash and other assistance is provided to needy families, through a combination of federal, state, and local funds. Existing law requires that certain CalWORKs recipients participate in welfare-to-work activities.

Existing law requires that paid child care be made available to every recipient participating in welfare-to-work activities needing that care, if the recipient has a dependent child who is 10 years of age or under, and requires child care to be provided in the case of children 11 or 12 years of age to the extent that funds are available.

This bill would eliminate the limitation on the provision of child care in the case of children 11 or 12 years of age to those instances when funds are available, thereby requiring that paid child care be made available for those children.

*This bill would incorporate additional amendments to Section 11323.2 of the Welfare and Institutions Code contained in SB 1249, to be operative only if both this bill and SB 1249 are enacted and this bill is enacted last.*

Because each county is required to bear a share of the cost of CalWORKs program implementation, by requiring the provision of child care for children 11 and 12 years of age, regardless of the availability of funds, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11323.2 of the Welfare and  
2 Institutions Code is amended to read:  
3 11323.2. (a) Necessary supportive services shall be  
4 available to every participant in order to participate in  
5 the program activity to which he or she is assigned or to  
6 accept employment or the participant shall have good  
7 cause for not participating under subdivision (f) of  
8 Section 11320.3. As provided in the welfare-to-work plan  
9 entered into between the county and the participant  
10 pursuant to this article, supportive services shall include  
11 all of the following:  
12 (1) Child care.  
13 (A) Paid child care shall be available to every  
14 participant with a dependent child in the assistance unit  
15 who needs paid child care if the child is 12 years of age or



1 under, or requires child care or supervision due to a  
2 physical, mental, or developmental disability or other  
3 similar condition as verified by the county welfare  
4 department, or who is under court supervision.

5 (B) Necessary child care services shall be available to  
6 every former recipient for up to two years, pursuant to  
7 Article 15.5 (commencing with Section 8350) of Chapter  
8 2 of Part 6 of the Education Code.

9 (C) A child in foster care receiving benefits under  
10 Title IV-E of the federal Social Security Act (42 U.S.C.A.  
11 Sec. 670 et seq.) or a child who would become a  
12 dependent child except for the receipt of federal  
13 Supplemental Security Income benefits pursuant to Title  
14 XVI of the federal Social Security Act (42 U.S.C.A. Sec.  
15 1381 et seq.) shall be deemed to be a dependent child for  
16 the purposes of this paragraph.

17 (D) The provision of care and payment rates under  
18 this paragraph shall be governed by Article 15.5  
19 (commencing with Section 8350) of Chapter 2 of Part 6  
20 of the Education Code. Parent fees shall be governed by  
21 subdivision (f) of Section 8263 of the Education Code.

22 (2) Transportation costs, which shall be governed by  
23 regional market rates as determined in accordance with  
24 regulations established by the department.

25 (3) Ancillary expenses, which shall include the cost of  
26 books, tools, clothing specifically required for the job,  
27 fees, and other necessary costs.

28 (4) Personal counseling. A participant who has  
29 personal or family problems that would affect the  
30 outcome of the welfare-to-work plan entered into  
31 pursuant to this article shall, to the extent available,  
32 receive necessary counseling or therapy to help him or  
33 her and his or her family adjust to his or her job or training  
34 assignment.

35 (b) If provided in a county plan, the county may  
36 continue to provide case management and supportive  
37 services under this section to former participants who  
38 become employed. The county may provide these  
39 services for up to the first 12 months of employment to the

1 extent they are not available from other sources and are  
2 needed for the individual to retain the employment.

3 SEC. 2. *Section 11323.2 of the Welfare and Institutions*  
4 *Code is amended to read:*

5 11323.2. (a) Necessary supportive services shall be  
6 available to every participant in order to participate in  
7 the program activity to which he or she is assigned or *for*  
8 *the participant* to accept or retain employment.

9 ~~employment—~~ *or If the unavailability of supportive*  
10 *services prevents a participant from satisfying assigned*  
11 *program activity requirements,* the participant shall have  
12 good cause for not participating under subdivision (f) of  
13 Section 11320.3. As provided in the welfare-to-work plan  
14 entered into between the county and participant  
15 pursuant to this article, supportive services shall include  
16 all of the following:

17 (1) Child care.

18 (A) Paid child care shall be available to every  
19 participant with a dependent child in the assistance unit  
20 who needs paid child care if the child is ~~10~~ 12 years of age  
21 or under, or requires child care or supervision due to a  
22 physical, mental, or developmental disability or other  
23 similar condition as verified by the county welfare  
24 department, or who is under court supervision.

25 ~~(B) To the extent funds are available paid child care~~  
26 ~~shall be available to a participant with a dependent child~~  
27 ~~in the assistance unit who needs paid child care if the child~~  
28 ~~is 11 or 12 years of age.~~

29 ~~(C)~~ Necessary child care services shall be available to  
30 every former recipient for up to two years, pursuant to  
31 Article 15.5 (commencing with Section 8350) of Chapter  
32 2 of Part 6 of the Education Code.

33 ~~(D)~~

34 (C) A child in foster care receiving benefits under  
35 Title IV-E of the federal Social Security Act (42 U.S.C.A.  
36 Sec. 670 et seq.) or a child who would become a  
37 dependent child except for the receipt of federal  
38 Supplemental Security Income benefits pursuant to Title  
39 XVI of the federal Social Security Act (42 U.S.C.A. Sec.

1 1381 et seq.) shall be deemed to be a dependent child for  
2 the purposes of this paragraph.

3 ~~(E)~~

4 (D) The provision of care and payment rates under  
5 this paragraph shall be governed by Article 15.5  
6 (commencing with Section 8350) of Chapter 2 of Part 6  
7 of the Education Code. Parent fees shall be governed by  
8 subdivision (f) of Section 8263 of the Education Code.

9 (2) Transportation costs, which shall be governed by  
10 regional market rates as determined in accordance with  
11 regulations established by the department. *Participants*  
12 *who use automobile transportation shall be entitled to*  
13 *reasonable mileage reimbursement. For the purposes of*  
14 *this section, reasonable cost shall be based on an available*  
15 *community reimbursement standard.*

16 (3) Ancillary expenses, which shall include the cost of  
17 books, tools, clothing specifically required for the job,  
18 fees, and other necessary costs.

19 (4) Personal counseling. A participant who has  
20 personal or family problems that would affect the  
21 outcome of the welfare-to-work plan entered into  
22 pursuant to this article shall, to the extent available,  
23 receive necessary counseling or therapy to help him or  
24 her and his or her family adjust to his or her job or training  
25 assignment.

26 (b) If provided in a county plan, the county may  
27 continue to provide case management and supportive  
28 services under this section to former participants who  
29 become employed. The county may provide these  
30 services for up to the first 12 months of employment to the  
31 extent they are not available from other sources and are  
32 needed for the individual to retain the employment.

33 *SEC. 3. Section 2 of this bill incorporates*  
34 *amendments to Section 11323.2 of the Welfare and*  
35 *Institutions Code proposed by both this bill and SB 1249.*  
36 *It shall only become operative if (1) both bills are enacted*  
37 *and become effective on or before January 1, 2000, (2)*  
38 *each bill amends Section 11323.2 of the Welfare and*  
39 *Institutions Code, and (3) this bill is enacted after SB*

1 1249, in which case Section 1 of this bill shall not become  
2 operative.

3 SEC. 4. Notwithstanding Section 17610 of the  
4 Government Code, if the Commission on State Mandates  
5 determines that this act contains costs mandated by the  
6 state, reimbursement to local agencies and school  
7 districts for those costs shall be made pursuant to Part 7  
8 (commencing with Section 17500) of Division 4 of Title  
9 2 of the Government Code. If the statewide cost of the  
10 claim for reimbursement does not exceed one million  
11 dollars (\$1,000,000), reimbursement shall be made from  
12 the State Mandates Claims Fund.

